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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,405	01/27/2004	Masakazu Koyanagi	450100-4405.1	3366
7590 12/11/2008 FROMMER LAWRENCE & HAUG LLP 745 FIFTH AVENUE, 10TH FLOOR NEW YORK, NY 10151			EXAMINER VO, TUNG T	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 12/11/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/766,405

**Applicant(s)**

KOYANAGI ET AL.

**Examiner**

Tung Vo

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 July 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.  
4a) Of the above claim(s) 4-19 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-3 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☒ Certified copies of the priority documents have been received in Application No. 09/059,744.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date 08/14/08; 05/20/08  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C.103(a) as being unpatentable over Moezzi et al. (US 5,850,352) in view of Yamaashi et al. (US 6,337,709).

Re claims 1-3, Moezzi teaches a controller for a photographing apparatus (fig. 2) having a photographing portion (A VIEWER INTERFACE, VIEWING POSITION AND ORIENTATION of fig. 3) with driving means (Pan, tilt, and zoom of the cameras 1-6 of fig. 1c) that allows the photographing direction of photographing means to be varied (panning, tilting, and zooming of the camera), the controller comprising: spherical surface in which the photographing means is disposed for photographing pictures (col. 16, lines 9-40, see figs. 11 and 12); an operation area displays a panorama picture generated by mapping a plurality of pictures on to a virtual spherical surface representing said spherical surface (figs. 8a-8c); and picture selecting means (OBJECT SELECTION by the USER INTERFACE of fig. 2) for allowing the user to designate a desired area in said operation area (OBJECT SELECTION of fig. 2), selecting an object (OBJECT SELECTION of fig. 2) photographed by the photographing means corresponding to the designated area ( fig. 4).

It is noted that Moezzi does not particularly disclose moving an object at the position corresponding to a desired point generated with the desired area to desired positional coordinates of the driving means.

However, Yamaashi teaches moving an object at the position corresponding to a desired point generated with the desired area to desired positional coordinates of the driving means (figs. 11(1) and 11(2); fig. 9, Note display area 801 on the whole image 802 is selected by using input part 108 in (step 91) 901. By moving, enlarging or contracting display area 801, the area to be viewed is specified by camera 101. This specified area is maintained in control section 106. From the coordinates of the rectangle 801 on the whole image, which is specified in the previous step, control section 106 calculates and determines camera information, including a pan angle and a viewing angle for picking up display area 801 by using camera position detecting section 109 so as to pick up display area 801 in (step 92) 902. In (step 93) 903, control section 106 supplies the camera information calculated in the former step to camera control section 103 and controls camera 101).

Taking the teachings of Moezzi and Yamaashi as a whole, it would have been obvious to one of ordinary skill in the art to modify the teachings of Yamaashi into the controller of Moezzi to facilitate the user can control the camera precisely and promptly while recognizing easily the relevant specific parts to be taken in when he wants to take in a specific part of the whole image using cameras.

1. Claims 1-3 are rejected under 35 U.S.C.103(a) as being unpatentable over Ritchey (US 5,130,794) in view of Hogan et al. (US 5,657,246).

Re claims 1-3, Ritchey teaches a controller (e.g. 29 of fig. 6) for a photographing apparatus (27 of fig. 6) having a photographing portion with driving means that allows the photographing direction of photographing means to be varied (pan, tilt, and zoom of the camera), the controller comprising: spherical surface in which the photographing means is disposed for photographing pictures (2 of fig. 1); an operation area (LCD, 27 of fig. 6) displays a panorama picture generated by mapping a plurality of pictures on to a virtual spherical surface representing said spherical surface (col. 45, lines 39-col. 46, lines 8); and picture selecting means for allowing the user to designate a desired area in said operation area (col. 1, lines 30-32), selecting an object photographed by the photographing means corresponding to the designated area (e.g. fig. 23, note Illustrated is the image processing system 7 wherein information corresponding to a selected spherical geographical region or geometric system is stored and selectively retrieved and processed to reproduce images corresponding to selected portions of the spherical geographical or geometric system).

It is noted that Yano does not particularly disclose and moving an object at the position corresponding to a desired point generated with the desired area to desired positional coordinates of the driving means as claimed.

However, Hogan teaches a system (12 of fig. 2A) comprises a monitor or display (28 of fig. 2A) for displaying an image (41 of fig. 2B) with an icon (40 of fig. 2B) and a cursor (col. 4, lines 57-60) to control the camera. Hogan further teaches the window (38 of fig. 8) display a picture and the larger window of the display displaying the selected point (X, 100 of fig. 8) then using the icon (arrow) to move the selected point to the desired position in the window (38) for controlling the camera, so this disclosure would fairly suggest the camera is controlled by the

icon and the driving means coordinates would obviously be varied accordance to the camera (col. 4, lines 57-col. 5, line 2; col. 7, line 55-col. 8, line 11). Hogan further suggests the cursor appeared on the selected window image, and the camera is operable to zoom, pan, and tile in the selected area, this would fairly suggest that the cursor would have a current position (coordinates) of the picture on the display (28).

Taking the teachings of Hogan (figs. 2A, 2B, and 8) and Ritchey as a whole, it would have been obvious to one of ordinary skill in the art to modify the teachings of Hogan into the controller of Ritchey for varying the selected object to the desired positional coordinates of the driving means of the camera, so that allow the user easily to control the driving means of the camera at the remote location when the cursor is in the pan, tilt, and zoom area.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tung Vo/  
Primary Examiner, Art Unit 2621